the confulfillment. This obligation to respond in damages, having been merely incidental to the others, became the sole obligation left of the contract, and being susceptible of fulfillment by another, as well as by the obligor, was enforceable against the heirs of the latter. The liability therefor was fixed, and, the damages demanded being recognized by the law of Louisiana as actual and compensatory, there was no reason why they should not be recovered in the same manner as damages to person and property.

Union Labels on Ballots.—The Supreme Court of New York In re Peters, 112 New York Supplement, 339, discussed the effect of printing "Union Labels" on ballots. The board of inspectors refused to count certain ballots, and returned them to the custodian of the primary records, because they bore the imprint of the label. The proceeding sought a review of such action. The Primary Election Law (Laws 1898, p. 343, c. 179, § 6) prescribing the form of ballots provides that those not conforming thereto shall not be counted. The court holds that the ballots were not void, as the mere addition of the Union Label did not defeat any of the salutary provisions of the election law, but concludes that the statute might be properly amended to prohibit the use of any emblem whatever.

Stenographer Is a Laborer.—The case of Cohen *v.* Aldrich, 62 Southwestern Reporter, 1015, arose from the garnishment of $35 of the salary of a stenographer by a person named Cohen. The defendant claimed an exemption, asserting that his employment was laborer. The Court of Appeals of Georgia held that even though proficiency in stenography was the reward of steady practice and experience, the stenographer exercises no discretion. If his employer indulges in the pastime of murdering the king's English, he must become a "particeps criminis," and join in the assassination. No one who has gone through that backbreaking ordeal will hesitate to range it in the category of hard physical labor. A stenographer is entitled to a laborer's wage exemption.

Justifiable Homicide.—A negro woman went to the police station and complained that defendant, another negro, had cursed her. Without having secured a warrant, an officer went on the following day to defendant's residence and announced to him his intention to arrest him. To this defendant objected. Seizing a shotgun he escaped, and addressed himself diligently to flight. An officer shot at him several times, wounding him twice. The crowd yelled, "Get him!" "Shoot him!" A citizen joined in the chase so zealously that he outstripped the officers. Defendant wheeled, shot and killed the pursuing citizen. In Holmes *v.* State, 62 Southeastern Reporter, 716,

the Court of Appeals of Georgia held that even had the officer had a warrant he would have had no right to shoot one fleeing to avoid arrest for a misdemeanor. The facts were sufficient to justify the fear of a reasonable man that his life was threatened, and the killing was justifiable homicide. A directly contrary ruling was made by the Court of Appeals in Muscoe *v.* Com., 86 Va. 443.

Liability of Master for Injuries Sustained Through Knobless Doors.—It was the duty of a bookkeeper to switch a telephone connection from the office to the engine room before he departed. The phone in the machinery room was in a booth the handle to the lock of which was missing. One evening, after answering the phone in this booth, he discovered that he was unable to get out. His efforts to attract attention failed. Finally he pushed the booth from the wall and made his exit at the back. In his exertions his left forefinger was hurt, and caused him much suffering thereafter, and never became normal again. The evidence tended to show that a man confined in the booth for a short time would become unconscious through lack of air. In Georgetown Water, Gas, Electric & Power Co., *v.* Forwood, 113 Southwestern Reporter, 112, the court of Appeals of Kentucky held that a telephone so constructed that the door cannot be opened from the inside is not a reasonably safe appliance for the use of a servant, and rendered the master liable for injuries sustained while escaping therefrom.

Judicial Notice of Football Season.—Appellant in Sieberts *v.* Spangler, 118 Northwestern Reporter, 292, was employed as assistant manager of a football team for the season of 1903. Appellant contended that, as the contract fixed no date of payment of the agreed sum, the court could not arbitrarily name the date (December 1st) at which interest could begin to accrue. The Supreme Court of Iowa remarked that it was a matter of common observation, of which the court may take notice, that while the remainder of the year in our great American institutions of learning may be religiously devoted to the study of football, the "season" proper, in which academic investigation gives place to the applied science, begins with the first frost, and ends very appropriately with the day of general thanksgiving.

Registration of Osteopath as Physician.—The statute of New York makes doctors of osteopathy physicians. The Sanitary Code requires every physician in the city of New York to register his name with the department of health. Unless one were so registered, any patient dying while attended by him would be subjected to a coroner's inquest, in order that a burial permit might be obtained. The